

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES R. GORTON,

Plaintiff,

v.

BICK,

Defendant.

1:05 CV 354 LJO DLB P

ORDER RE PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT

[Docs. 32, 33]

Plaintiff Charles Gorton is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. §1983. On November 1, 2007, plaintiff filed a motion requesting default judgment against defendant Bick. (Doc. 32). On November 13, 2007, plaintiff filed a motion to vacate his request for default judgment. (Doc. 33). Plaintiff stated that at the time of filing his motion for default judgment, he was unaware that the court had granted defendant an extension of time to file a responsive pleading.

Accordingly, plaintiff's motion to vacate his motion for default judgment is HEREBY GRANTED.

IT IS SO ORDERED.

Dated: May 1, 2008

/s/ Dennis L. Beck

UNITED STATES MAGISTRATE JUDGE

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